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10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,) 0507
13 Plaintiff,) No.: CR 05-00167 WHA
14 v.)
15 BERNARD THOMAS, JR.,)
16 Defendant.)
17 _____) San Francisco Venue

18
19 STIPULATION

20 IT IS HEREBY STIPULATED by and between the parties, through their undersigned
21 counsel that:

22 1. The parties have been in communication concerning defendant's motion for
23 discovery and disclosure of exculpatory evidence. The parties have also been engaged in on-
24 going settlement discussions. Based on these discussions, the defendant has agreed to a
25 continuance of the motion until January 31, 2005, at 2:00 p.m.

26 3. Accordingly, the hearing date on defendant's motion, currently scheduled for

1 December 12, 2005 at 2:00 p.m., should be continued to **January 31, 2006, at 2:00 p.m.**

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4 DATED: KEVIN V. RYAN

5 United States Attorney

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7 12/9/05 /S/

8 PHILIP J. KEARNEY

9 RICHARD J. CUTLER

10 Assistant United States Attorney

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12 DATED: 12/9/05 /S/

13 ELENA CONDES

14 Counsel for defendant BERNARD THOMAS, JR.

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ORDER

Based upon the above Stipulation, and for good cause appearing, THE COURT HEREBY
ORDERS THAT:

The hearing date on defendant's motion for discovery and disclosure of exculpatory evidence is continued to **January 31, 2005, at 2:00 p.m.**

SO ORDERED.

DATED: December 9, 2005

A circular red stamp with a double-line border. The outer ring contains the text "UNITED STATES DISTRICT COURT" at the top and "NORTHERN DISTRICT OF CALIFORNIA" at the bottom. Inside the stamp, the text "IT IS SO ORDERED" is printed in a bold, sans-serif font. A handwritten signature, appearing to read "Wm. Alsup", is written across the text "IT IS SO ORDERED". Below the signature, the name "Judge William Alsup" is printed in a smaller, all-caps font.

HON. WILLIAM ALSUP
United States District Judge

**STIPULATION AND ORDER
CONTINUING DATES**